

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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Kip Lamar Snell,

Plaintiff,

v.

City of Slocomb,

Defendant.

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DEBRA P. HACKETT CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action No.: 1:07-cv-898-MHT

COMPLAINT

INTRODUCTION

1. The Plaintiff, Kip Lamar Snell, through counsel, seeks redress of the wrong caused by Defendant's violations of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. §§ 201 *et seq.* The Plaintiff seeks relief under the FLSA for unpaid wages, liquidated damages, costs, attorneys' fees, interest and such other relief the Court deems appropriate.

JURISDICTION AND VENUE

2. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 29 U.S.C. 201 and § 216.
3. Venue is proper pursuant to 28 U.S.C. § 1391(b). Defendant is located in this district and a substantial part of the conduct giving rise to Plaintiff's claims occurred here.

PARTIES

4. Defendant employed Plaintiff as a police officer from 2001 through July 11, 2007 and, at all relevant times herein, Plaintiff was resident of Geneva County Alabama. Plaintiff has given his consent to file this action as stated in Exhibit A.
5. Defendant is a municipality which is also located in Geneva County, Alabama.

COUNT I

6 At all time material herein, Plaintiff has been entitled to the rights, protections and benefits provided under the FLSA, 29 U.S.C. § 201 *et. seq.*

7. In October 2004, Defendant improperly classified Plaintiff as an exempt employee, and for a period of time thereafter did not pay him the amount of salary required to qualify him as an exempt employee pursuant to 29 CFR §541.600.

8. Also from October 4, 2004 through the time of his resignation on July 11, 2007, Defendant continued to misclassify the Plaintiff as exempt and did not pay Plaintiff for all hours worked, nor did Plaintiff receive the overtime premium to which he was entitled under 29 USC §207.


9. Defendant required Plaintiff to work such long hours for such low pay that Defendant also violated the minimum wage requirements of 29 USC §206.

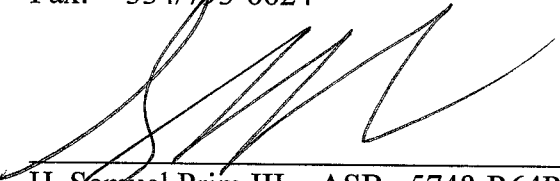
10. Plaintiff and others complained to the defendant about these FLSA violations, but each time, Defendant denied Plaintiff his appropriate pay. Therefore, Defendant's failure to accurately compensate Plaintiff according to the law was willful, not in good faith, and without reasonable basis.

11. As the proximate result of the Defendant's violations of the FLSA, Plaintiff is entitled to damages pursuant to 29 USC §216 (b) for unpaid minimum wage, unpaid compensation for all hours worked, unpaid overtime, and unpaid compensatory time for the period of October 4, 2004 through July 11, 2007 plus liquidated damages in an amount equal his lost wages as described above pursuant to Section 216(b) and interest thereon. Under 29 U.S.C. § 216(b), Plaintiff is also entitled to reimbursement from the Defendant for his costs and attorney's fees.

WHEREFORE, the Plaintiff prays that judgment be entered in his favor and against the Defendant for the relief sought above and of such other and further remedies as the court deems appropriate.

Respectfully submitted this 4 day of October, 2007.


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SERVE DEFENDANT AT:

City of Slocomb
Attn: Peggy Armstrong, City Clerk
255 East Lawrence Harris Hwy
Slocomb, Alabama 36375

EXHIBIT A

I, Kip Lamar Snell, pursuant to 29 USC §216(b) hereby give my written consent to the filing of this action.

This the 3rd day of October, 2007.



Kip Lamar Snell